

STATE OF TENNESSEE  
IN THE CIRCUIT COURT FOR MONROE COUNTY

HENRY RICHARDS

Plaintiff,

v.

HRISTO ZANEV,  
DIRECT TRUCKING CORP. d/b/a  
SPARC TRANSPORT, AND  
CORNERSTONE CARGO, LLC.

Defendant.

Docket No.: V22281J

FILED  
TIME 11:00 AM/PM  
JUL 28 2022  
MARTHA M. COOK  
CIRCUIT COURT CLERK

COMPLAINT FOR DAMAGES

COMES NOW, Henry Richards ("Plaintiffs"), by and through counsel, and brings this complaint against Hristo Zanev, Direct Trucking Corp. d/b/a Sparc Transport and Sparc Freight, and Cornerstone Cargo, LLC ("Defendants") for recovery of lawful damages arising out of an automobile collision that occurred in Monroe County, Tennessee, on or about August 23, 2021. As grounds, Plaintiff alleges:

1. Plaintiff is a citizen and resident of Greene County, Tennessee.
2. Upon information and belief, Defendant Hristo Zanev is a resident of Gwinnett County, Georgia.
3. Defendant Direct Trucking Corp. d/b/a Sparc Transport is a corporation with a principal place of business and/or operating at 23264 South Youngs Road, Channahon, Illinois.
4. Cornerstone Cargo, LLC is a corporation with a principal place of business and/or operating at 5400 Fulton Industrial Blvd. SW, Suite B, Atlanta, Georgia.
5. The incident that is the subject of this action occurred in Monroe County, Tennessee.

State of Tennessee  
County of Monroe  
I certify that the foregoing is a true and perfect  
copy of the original.

Filed with me  
This the 28 day of July, 2022  
Martha M. Cook  
Circuit Court Clerk

6. Jurisdiction and venue are properly before the Circuit Court of Tennessee at Monroe County.
7. On or about August 23, 2021, Plaintiff was traveling South on Interstate 75 in Monroe County, Tennessee.
8. Defendant was also traveling South on Interstate 75 in a large commercial vehicle.
9. Plaintiff was traveling in the left-hand lane when the Defendant attempted to pass the Plaintiff from the right-hand lane. Defendant collided with the Plaintiff's vehicle, forcing it off the road and into a tree.
10. As a direct and proximate result of the impact, Plaintiff suffered personal physical injuries.
11. Plaintiff has been caused to pay or become obligated to pay for necessary medical care and treatment past, present, and future.

**COUNT I**

**NEGLIGENCE, RECKLESSNESS, and WANTONNESS**

Plaintiff incorporates herein all preceding paragraphs.

12. Defendant has a duty to exercise due care in the operation of his vehicle on the roadways of Tennessee and to exercise due care for the safety of the driving public and public at large. Defendant's breach of this duty directly and proximately caused injuries to Plaintiffs.
13. Defendant is guilty of the following acts of negligence, which caused or contributed to the cause of Plaintiff's injuries and damages:
  - (a) Failure to maintain a proper lookout.
  - (b) Failure to maintain his vehicle under proper control.

- (c) Operation of his vehicle in a careless and reckless disregard for the safety of other users of the road and highways.
  - (d) Failure to devote full time and attention to the driving and operation of said vehicle in order to prevent a collision with another vehicle.
  - (e) Failure to bring his vehicle under control and stop the same when there was sufficient time or distance for him to do so before striking Plaintiff's vehicle.
  - (f) Failure to change or deviate his course of travel when he knew of and/or should have known, in the exercise of due care, that a collision was imminent.
  - (g) Driving distracted.
14. Defendant breached his duty to Plaintiff, causing severe injuries, and is thus guilty of negligence.

## **COUNT II**

### **NEGLIGENCE *PER SE***

Plaintiff incorporates herein all preceding paragraphs.

15. Plaintiff further alleges that the Defendant was guilty of violating the following statutes of the State of Tennessee, which were in effect at the time of the collision, the violation of which is negligence *per se*:
- (a) T.C.A. § 55-8-103. Required obedience to traffic laws.
  - (b) T.C.A. § 55-8-136. Drivers to exercise due care.
  - (c) T.C.A. § 55-8-197. Failure to yield.
  - (d) T.C.A. § 55-8-109. Obedience to any required traffic-control device.
  - (e) T.C.A. § 55-8-109. Vehicle entering through highway or stop intersection

### **COUNT III**

#### **VICARIOUS LIABILITY/RESPONDEAT SUPERIOR**

Plaintiff incorporates herein all preceding paragraphs.

16. Plaintiff avers that Defendant Hristo Zanev was operating the commercial vehicle within the course and scope of his employment with Direct Trucking Corp. d/b/a Sparc Transport and/or Cornerstone Cargo, LLC.
17. Plaintiffs alleges that Direct Trucking Corp. d/b/a Sparc Transport and/or Cornerstone Cargo, LLC are liable for the negligence of Hristo Zanev under the doctrine of respondeat superior because Hristo Zanev was operating the vehicle in the course and scope of his employment with Direct Trucking Corp. d/b/a Sparc Transport and/or Cornerstone Cargo, LLC.

### **DAMAGES**

Plaintiff incorporates herein all preceding paragraphs.

18. Defendants' Negligence/Recklessness/Wantonness and Negligence *per se*, as alleged in averments 1 through 17 above, directly and proximately caused physical and financial injuries to Plaintiff. As a result of the incident that is the subject of this action, the Plaintiff has suffered and seeks to recover for the following injuries and damages:

- (a) Past medical bills;
- (b) Future medical bills;
- (c) Past physical pain and mental anguish;
- (d) Future physical pain and mental anguish;
- (e) Past and future inability to enjoy the normal pleasures of life;

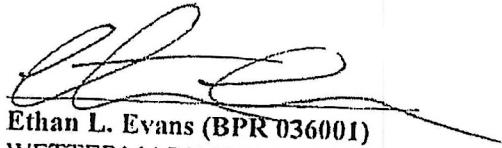
- (f) All other damages proven at trial to be so entitled.

**PRAYER FOR RELIEF**

WHEREFORE, as damages, Plaintiffs demand judgment against the Defendants in the amount of \$1,000,000.00 to be proven at trial on the merits, which will fairly and adequately compensate Plaintiff for injuries and all other damages sustained and all costs incurred in prosecuting this action. Plaintiff demand trial by jury, and Plaintiff demands such other and further relief to which he may prove entitled.

Respectfully submitted,

WETTERMARK & KEITH, LLC



Ethan L. Evans (BPR 036001)  
WETTERMARK KEITH, LLC  
Attorney for Plaintiff  
1232 Premier Drive, Suite 325  
Chattanooga, TN 37421  
Telephone: (205) 212-3045  
Facsimile: (205) 747-4993  
Email: eevans@wklfirm.com